IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLIATION NO.1385/06

Pankaj Pandurang Chaware .... Applicant

V/s.

The State of Maharashtra .... Respondent

Shri.G.R.Sharma Adv. for the applicant.
Miss.M.H.Mahatre APP for the State.

CORAM : V.M. KANADE, J.
DATED : 13/04/06

P.C.:-

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. The applicant was arrested on 11/06/2005 in connection with C.R.No.101/2005 registered with Kasturba Marg Police Station for the offences punishable U/s.143, 144, 147, 149, 324, 302 of IPC.

3. It is alleged that co-accused assaulted deceased with cricket bats, stumps, and sticks. It is alleged that the applicant was standing at a

distance with stick in his hand. Neither complainant nor other witnesses attributed role to the present applicant besides saying that he was seen at the spot of incident with stick in his hand.

4. Chargesheet has been filed. Since no overt act has been attributed to the present applicant and trial has not begun, this is a fit case to grant bail to the applicant.

5. Considering the facts and circumstances of the case the applicant be released on bail in the sum of Rs.5,000/- with one or two sureties in like amount. The applicant shall report to Kasturba Marg Police Station once in a month.

6. The applicant shall not tamper with the evidence or threaten the witnesses. If any complaint is received by the Investigating Officer, the Public Prosecutor is at liberty to file an application for cancellation of bail.

7. The Trial Court shall not be influenced by any observations made by this Court while deciding

the application and they shall not be construed as an expression of opinion on merits of the case.

8. The application is accordingly disposed of.

V.M. KANADE J.